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EXAMINER

REDDY, KARUNA P

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. This office action is in response to the amendment filed on 1/9/2008. Applicants cancelled claims 6 and 21-22. Claims 1-5, 7-20 and 23-25 are currently pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al (EP 0 507 160 A1).

The rejection is adequately set forth in paragraph 4 of office action mailed 10/9/2007 and is incorporated here by reference.

4. Claims 1-5, 7-11, 14, 16, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395 A1) in view of Ono et al (EP 0 507 160 A1) and Yamazaki et al (JP 08-225443).

The rejection is adequately set forth in paragraph 8 of office action mailed 10/9/2007 and is incorporated here by reference.

5. Claims 12, 15, 17, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395) in view of Ono et al (EP 0 507 160

A1) and Yamazaki et al (JP 08-225443) as applied to claim 1 above, and further in view of Bernstein (EP 95512 A) or LaHann (US 4,313,958).

The rejection is adequately set forth in paragraph 9 of office action mailed 10/9/2007 and is incorporated here by reference.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1046395).

The rejection is adequately set forth in paragraph 10 of office action mailed 10/9/2007 and is incorporated here by reference.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395 A1) in view of Ono et al (EP 0 507 160 A1).

The rejection is adequately set forth in paragraph 11 of office action mailed 10/9/2007 and is incorporated here by reference.

### ***Response to Arguments***

8. Rejection of claims 21-22 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Donati et al (EP 1 046 395 A1) is moot in view of cancellation of these claims.

9. Applicant's arguments filed 1/9/2008 have been fully considered but they are not persuasive. Specifically, applicant argues that (A) Ono et al disclose a mixture of

polyacrylic acid and polyacrylate which is not a (meth)acrylic acid-base polymer having repeating units represented by formulae (1) and (2) in the recited ratio; (B) aluminum hydroxide disclosed in Yamzaki et al is almost insoluble in water and therefore is not a water-soluble compound as defined in present invention; (C) based on the disclosure of "one half" of Donati et al; water content used in the solution prepared in first step is the same as water content of the solution prepared in later step; (D) Donati et al teaches that the water and sodium polyacrylate are added in two or more steps and does not consider the solubility difference of the polymer in water and in polyhydric alcohol.

With respect to (A), sodium polyacrylate of Ono et al meets the claim limitation of the ratio of formula (1) and (2) of 100/0. The transitional phrase "comprising" is open ended and can include other components such as polyacrylic acid.

With respect to (B), it is the examiner's position that water solubility is a relative term and the specification does not define solubility of aluminum compound. In addition, list of aluminum compounds disclosed in the specification on page 15, line 2 of present invention includes aluminum hydroxide. It is noted that  $\text{Al}(\text{OH})_3$  has a solubility of 0.0015 g/l at 20°C i.e.  $\text{Al}(\text{OH})_3$  is soluble in water.

With respect to (C), "one half" of Donati et al refer to one-half of the crosslinking agent and not the amount of water used in two steps.

With respect to (D), present claims are directed to a process wherein a polymer compound is added in a second step, if desired. Thus, addition of part of sodium polyacrylate in second step reads on the present claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARUNA P. REDDY whose telephone number is (571)272-6566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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